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In re Application of :
Ralph F. Kalies :
Application No. 10/681,955 :
Filed: October 8, 2003 :
Attorney Docket No. 036806.00432 :

ON PETITION

This is in response to the petition under 37 C.F.R. 1.47(b), filed March 30, 2004.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration submitted with the petition lacks compliance with 37 CFR 1.63 and 1.64. The signature block for Ralph F. Kalies is missing. Accordingly, an oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Kalies is required. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries related to this decision should be directed to Wan Laymon at (703) 306-5685.



Frances Hicks
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for Patent Examination Policy